

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

---

HATASHA RUFF,

Plaintiff,

-against-

THE CITY OF NEW YORK and THE POLICE  
DEPARTMENT OF THE CITY OF NEW YORK

Defendants.

---

Index No.

Plaintiff Designates  
Richmond County as  
the place of trial. The  
basis of the venue is  
County of occurrence.

**SUMMONS**

Incident Location:  
456 Richmond Terrace, Apt. 3-D  
County of Richmond  
Staten Island, NY

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: Staten Island, New York  
August 22, 2013

*[Handwritten signature of John M. O'Dowd, Jr.]*  
JOHN M. O'DOWD, JR., ESQ.  
Attorney for Plaintiffs  
1164 Victory Boulevard  
Staten Island, NY 10301  
718-273-2500

Defendants' Addresses:

THE CITY OF NEW YORK – 100 Church Street, New York, New York 10007  
NEW YORK CITY POLICE DEPARTMENT – One Police Plaza, New York, NY

**Upon your failure to appear, judgment will be taken against you by default.**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

HATASHA RUFF,

Plaintiffs,

-against-

X  
**INDEX NO.**

**VERIFIED COMPLAINT**

THE CITY OF NEW YORK and THE POLICE  
DEPARTMENT OF THE CITY OF NEW YORK,

Defendants.

X

Plaintiff, complaining of the defendants, by her attorney, JOHN M. O'DOWD, JR., ESQ., respectfully sets forth to this Court and alleges, upon information and belief:

**AS AND FOR A FIRST CAUSE OF ACTION**

FIRST: That at all the times hereinafter mentioned, the plaintiff was a resident of the County of Richmond, City and State of New York.

SECOND: That the defendant, THE CITY OF NEW YORK, (hereinafter referred to as "CITY"), was at all times hereinafter mentioned, a domestic municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

THIRD: That plaintiff served a Notice of Claim on the defendant, "CITY", on August 27, 2012.

FOURTH: That the defendant, "CITY", conducted a Statutory Hearing November 14, 2012

FIFTH: That at least 30 days have elapsed since the demands or claims in which these actions herein were brought and presented to the defendant, "CITY", for judgment and the defendant has refused and neglected to make an adjustment or payment thereof 30 days after said presentation. Not more than one year and ninety days has elapsed since the accrual of said cause of action.

SIXTH: That upon information and belief, at all times herein mentioned, the defendant, THE POLICE DEPARTMENT OF THE CITY OF NEW YORK, was at all times hereinafter mentioned, a domestic municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

SEVENTH: That on June 16, 2012, the plaintiff was lawfully at the location of 456 Richmond Terrace, Apt. 3-D, Staten Island, New York, located in the County of Richmond, City and State of New York.

EIGHTH: That on June 16, 2012, at approximately 1:30P.m., the plaintiff was lawfully

on the premises of 456 Richmond Terrace, Apt. 3-D, Staten Island, New York, when NYPD Officers approached and assaulted the plaintiff. That the defendant, THE POLICE DEPARTMENT OF THE CITY OF NEW YORK, as an agent, servant and/or employee of the defendant, "CITY", negligently, carelessly and recklessly assaulted the plaintiff, and allowed the claimant to sustain permanent physical injuries, as well as embarrassment in the community and embarrassment and impact on her reputation. Further, the defendants are liable for punitive damages as well as violation of Section 1983 of the United States Code; the defendants improperly touched the plaintiff, such actions are actually deemed an assault and battery, and acted outside the scope of their employment; that the defendants were further negligent, careless and grossly reckless to the plaintiff. That the defendant, "CITY", its agents, servants and/or employees, were negligent, careless, and reckless, and the defendant, POLICE DEPARTMENT OF THE CITY OF NEW YORK, failed to properly supervise and train these individuals and such actions were grossly negligent, grossly careless, and grossly reckless, and in violation of Section 1983 of the United States Code, also causing embarrassment in the community, harm to her reputation, and sufficient to cause serious and permanent physical injuries.

NINTH: That the plaintiff is not subject to limitations of Article XVI of the CPLR pursuant to exclusions therein.

TENTH: That by reasoning of the foregoing, the plaintiff, Hatasha Ruff, has been caused to expend monies and is disabled due to the injuries as aforementioned, upon information and belief, of a permanent character by reason thereof that the plaintiff is prevented from following her usual duties and is informed and believes that in the future will be prevented to follow her regular duties, all to plaintiff's damage in an amount which exceeds the jurisdictional limits of the lower courts of the State of New York.

#### **AS AND FOR A SECOND CAUSE OF ACTION**

ELEVENTH: That the plaintiff, Hatasha Ruff, repeats each and every allegation set forth in Paragraphs "FIRST" through "TENTH," as if more fully set forth herein.

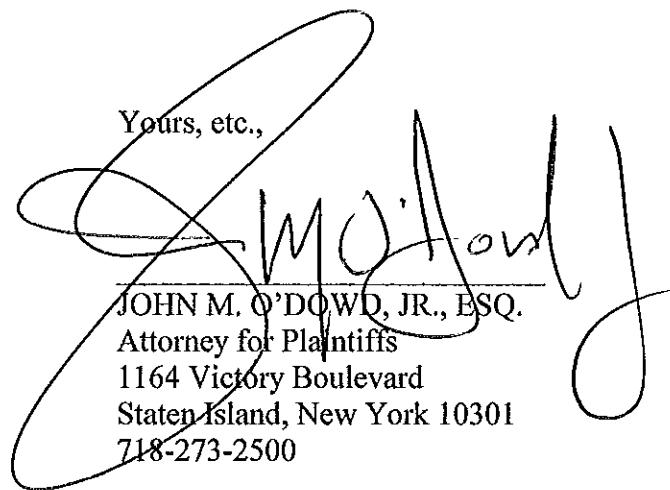
TWELFTH: That the plaintiff was denied her freedom and treated in such a fashion to deny her basic liberty and civil rights.

THIRTEENTH: That by reason of the premises as aforesaid, the plaintiff is disabled due to the injuries which, upon information and belief, are of a permanent character and by reason thereof the plaintiff is prevented from following her usual duties and it is believed in the future will be prevented to follow her usual duties, all to the plaintiff's damages in a sum which exceeds the jurisdictional limitations of the lower courts of the State of New York.

WHEREFORE, the plaintiff, Hatasha Ruff, demands judgment against the defendants on the First Cause of Action in an amount which exceeds the jurisdictional limits of the lower courts of the State of New York; on the Second Cause of Action in an amount which exceeds the

jurisdictional limits of the lower courts of the State of New York; together with the costs and disbursements of this action.

Dated: Staten Island, New York  
August 22, 2013

Yours, etc.,  
  
JOHN M. O'DOWD, JR., ESQ.  
Attorney for Plaintiffs  
1164 Victory Boulevard  
Staten Island, New York 10301  
718-273-2500

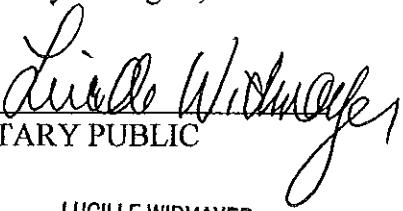
**INDIVIDUAL VERIFICATION**

STATE OF NEW YORK )  
                      )ss:  
COUNTY OF RICHMOND)

HATASHA RUFF, being duly sworn, deposes and says, that deponent is the plaintiff in the within action; that deponent has read the foregoing SUMMONS and VERIFIED COMPLAINT and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes them to be true.

  
HATASHA RUFF

Sworn to before me this  
27<sup>th</sup> day of August, 2013

  
\_\_\_\_\_  
NOTARY PUBLIC

LUCILLE WIDMAYER  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01WI6166343  
QUALIFIED IN RICHMOND COUNTY  
TERM EXPIRES MAY 21, 2015

*Index No.*

*Year 20*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

---

-----X

HATASHA RUFF,

Plaintiff,

-against-

THE CITY OF NEW YORK and THE POLICE DEPARTMENT  
OF THE CITY OF NEW YORK,

Defendants.

-----X

---

**SUMMONS AND VERIFIED COMPLAINT**

---

THE LAW FIRM OF  
**LAW FIRM OF JOHN M. O'DOWD, JR.**

Attorney for Plaintiff  
1164 Victory Boulevard  
Staten Island, New York 10301  
718-273-2500

---

*To*

Signature (Rule 130-1.-A)

*Attorney(s) for*

---

John M. O'Dowd, Jr. .

*Service of a copy of the within*

*is hereby admitted.*

*Dated:*

---

*Attorney for*